

MISSOURI COURT OF APPEALS EASTERN DISTRICT
OPINION SUMMARY
DIVISION FIVE

JANE E. MENSE, et al.,)	No. ED103586
)	
Plaintiffs/Appellants,)	Appeal from the Circuit Court of
)	Franklin County
vs.)	
)	
ZACHARY W. RENNICK, et al.,)	Hon. Thomas J. Frawley
)	
Defendants/Respondents.)	FILED: June 7, 2016

Jane Mense appeals the judgment of the probate division of the circuit court enforcing succession provisions of her irrevocable trust as directed by the first trustee, Zachary Rennick. A drafting error caused a sentence of the trust granting succession powers to omit the subject name or pronoun. Rennick invoked that provision to remove Mense's designated successor trustee and appoint a series of commercial trustees as successor trustees. Mense claims that the omission creates an ambiguity rendering Rennick's succession powers and designations unenforceable.

AFFIRMED

DIVISION FIVE HOLDS: (1) The omission does not render the trust ambiguous. The sentence granting succession powers immediately follows the designation of Rennick as first trustee. In this context, it necessarily refers to Rennick. The two sentences together permit no other interpretation. (2) Rennick's appointment of a commercial successor trustee was enforceable. (3) Extrinsic evidence of Mense's intentions and understanding was inadmissible.

Opinion by: Lisa Van Amburg, Chief Judge

Sherri B. Sullivan, Judge, and Nancy Schneider, Special Judge, concur.

Attorneys for Appellant: Frank Carlson and Sarah Tupper

Attorney for Respondent: Brent Baldwin and M. Brendhan Flynn

<p style="text-align:center">THIS SUMMARY IS NOT PART OF THE OPINION OF THE COURT. IT HAS BEEN PREPARED FOR THE CONVENIENCE OF THE READER AND SHOULD NOT BE QUOTED OR CITED.</p>
